



APPLN. SER. NO. 10/628,123
FILED: JULY 28, 2003
FOR: ALL SURFACE VEHICLE
APPLICANT: RODNEY L. BLAIR
ART UNIT: 3611
EXAMINER: TONY H. WINNER

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

March 9, 2006

AFFIDAVIT UNDER 37 CFR 1.131

Sir:

RODNEY L. BLAIR, being duly sworn, deposes and says as follows:

1. That the Claims 1-6,8-10 and 12-17 of the above-identified patent application have been rejected as being unpatentable over the patent to Hume, Pat. No. 6,752,231. However, Applicant respectfully submits that Applicant made this invention prior to the filing date of Hume and that, therefore, Hume is not a proper reference against the present application.
2. That The application leading to the Hume patent was filed on September 30, 2002. However, on July 25, 2001, Applicant filed Provisional Application Ser. No. 60/307,474 disclosing the invention described and claimed in the present application. Thus, Applicant clearly made the invention **over fourteen months prior to the filing date of the Hume patent.**
3. At the time the Provisional Application was filed, the invention was owned by a partnership, in which Applicant was a member, although Applicant was the inventor. However, shortly after the Provisional Application was filed, it was decided to dissolve the partnership. Unfortunately, a dispute arose over the division of the partnership assets and Applicant did not receive title to the present invention until 2003. However, Applicant has never abandoned the present invention and, upon receiving title to the invention, he immediately filed the present utility patent application.
4. That the foregoing facts are true to the best of my knowledge and belief.



RODNEY L. BLAIR

State of California :

County of Kern:

Before me personally appeared RODNEY L. BLAIR and executed the foregoing document in my presence.


NOTARY PUBLIC

My commission expires March 17, 2009

